

Application No. 09/929,032
Response dated December 20, 2005
Reply to Office Action dated September 20, 2005

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1, 2, 5-8, 11, 15-18, 21-23, 25-27, 30-33, 36-38, 40-42, 45 and 46 remain pending.

In the Office Action, claims 1, 2, 5-8, 10, 11, 15-18, 21-23, 25-27, 30-33, 36-38, 40-42, 45 and 46 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-33 of copending U.S. Patent Application No. 09/929,031. Because this is a provisional rejection and the '031 patent application has not yet issued as a patent, it is believed that no response, such as the filing of a Terminal Disclaimer, is necessary at this time.

In addition, claims 1, 2, 5-8, 10, 11, 15-18, 21-23, 25-27, 30-33, 36-38, 40-42, 45 and 46 are now all rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,434,134 to La Porta et al., of record. This rejection is respectfully traversed.

In the previous rejection, the Examiner admitted that the La Porta patent does not teach the use of an address resolution protocol request. However, the Examiner now evidently believes that the sections of the La Porta patent cited in the rejection teach the address resolution protocol request feature as claimed. Applicants respectfully disagree. Specifically, Applicants again respectfully submit that the La Porta patent fails to teach or suggest the use of an address resolution protocol request *to place an IP address of a user terminal in an address resolution*

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protocol cache of an access point with which the user terminal is changing its affiliation as in the claimed embodiments of the present.

As discussed in the Remarks of the previous Amendment, the present invention provides a system, method and computer readable medium of instructions capable of reaffiliating a mobile wireless user terminal from one access point of a network to another. Specifically, an access point with which the user terminal is becoming affiliated is capable of issuing an *address resolution protocol request* to update the address resolution protocol cache of the access point with which the user terminal was previously affiliated and place the IP address of the user terminal in the address resolution protocol cache of the newly affiliated access point, to therefore inform the remaining access points of the network of this new affiliation.

This feature is expressly recited in the independent claims. As can be appreciated by one skilled in the art, the use of this address resolution protocol request enables standard Internet protocol request resolution mechanisms to manage routing to the access point, and thus supports all the needed routing uptake function for the access point to enable the user terminal to remain attached to the network.

The La Porta patent teaches a packet-based network that provides, among other things, a technique for handing off a mobile wireless device from one base station to another. As identified by the Examiner, Figure 17 and its related description beginning at column 27, line 45 of the La Porta patent demonstrate a technique in which a mobile device 114 is handed off from

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an old base station BS9 to a new base station BS11. As described throughout this section, the La Porta patent uses instant path set-up messaging and a specific protocol that requires the use of specialized network devices such as routers R7 and R8 and a domain root router 360. The La Porta patent therefore describes the use of a specific messaging protocol to manage routing to a mobile device from a particular base station and thus, requires additional information that cannot be carried by a standard address resolution protocol request, for example.


In comparing the sections of the La Porta patent cited in the current rejection in view of those cited in the previous rejection, Applicants note that the Examiner is now relying on column 18, lines 19-26, in addition to the other previously cited sections. Applicants respectfully submit that as with the other cited sections, this newly cited section of the La Porta patent merely teaches the use of a refresh path setup message. Again, nowhere does this or any other section of the La Porta patent teach or suggest the use of an *address resolution protocol request* to perform the cache updating as claimed. Applicants further respectfully submit that as discussed previously, the La Porta patent describes a specific technique requiring the use of specialized devices to hand off a mobile device from one base station to another. Applicants therefore respectfully submit that one skilled in the art would not have been motivated to employ a different technique, in particular, an address resolution protocol request, to facilitate such a hand off.

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Accordingly, for all these reasons, Applicant respectfully submits that the teachings of the La Porta patent fail to anticipate the embodiments of the present invention even as defined in independent claims 1, 11, 17, 26, 32 and 41. Hence, all claims should be allowable.

In view of the above, it is believed that the subject application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,


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